

**REISSUE APPLICATION DECLARATION BY THE ASSIGNEE**

Docket Number: 5/891-1-C1 Reissue

We hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

We are authorized to act on behalf of the following company: Dr. Karl Thomae GmbH
and the title of my position with said company is:

The entire title to the patent identified below is vested in said company.

Name of Patentee: Wolfgang GRELL, Rudolf HURNAUS, Gerhart GRISS (By Elizabeth GRISS, Executrix),
Robert SAUTER, Manfred REIFFEN and Eckhard RUPPRECHT

Patent Number: 5,216,167

Date Patent Issued: June 1, 1993

Title of Invention: PHENYLACETIC ACID BENZYLAMIDES

We believe said patentee to be the original, first and sole or joint inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled:

PHENYLACETIC ACID BENZYLAMIDES

the specification of which

RECEIVED

is attached hereto.

AUG 21 2000

was filed on October 7, 1997, as reissue application number 08/946,602.
and was or will be amended on

TECH CENTER 1600/2900

We have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

We verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

by reason of a defective specification or drawing, said defects being described below.

by reason of the patentee claiming more or less than he had the right to claim in the patent, said excess or insufficiency in the claims being specified below.

by reason of other errors, described below.

The errors relied upon in the above statement, and how the errors occurred, are as follows:

The terminal disclaimer filed on August 6, 1992, in connection with U.S. Serial No. 07/495,820, the application from which U.S. Patent No. 5,216,167 issued, disclaimed only the term of any patent issuing from that application subsequent to October 10, 2006, *i.e.*, the expiration date of U.S. Patent No. 4,873,080. However, both U.S. Patent Nos. 4,873,080 and 4,863,724 are owned by assignee Dr. Karl Thomae GmbH, and both disclose and claim subject matter relating to repaglinide. Thus, in an abundance of caution, the assignee believes that U.S. Patent No. 5,216,167 should be terminally disclaimed over both U.S. Patent Nos. 4,873,080 and 4,863,724. Accordingly, a terminal disclaimer which disclaims the term of U.S. Patent No. 5,216,167 subsequent to September 5, 2006, *i.e.*, the expiration date of U.S. Patent No. 4,863,724, is submitted herewith.

The errors described above arose without any deceptive intention on the part of the applicant.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the patent and Trademark Office connected therewith.

Name(s)

Robert P. Raymond
Mary-Ellen M. Devlin
Alan R. Stempel
Anthony P. Bottino

Registration No.:
25,089
27,928
28,991
41,629

Correspondence Address: Direct all communications about the application to:

<input type="checkbox"/> Customer Number	<input type="text"/>	→	<i>Place Customer Number Bar Code Label here</i>
<i>Type Customer Number Here</i>			

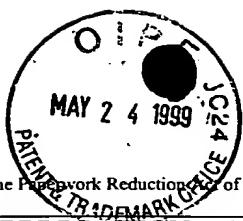
OR

<input checked="" type="checkbox"/> Individual Name	Boehringer Ingelheim Corp. Attn: Dr. R.P. Raymond				
Address	900 Ridgebury Road, P.O. Box 368				
Address					
City	Ridgefield	State	CT	Zip	06877
Country	US				
Telephone	(203) 798-4864	Fax	(203) 798-4408		

We, representing the assignee, hereby consent to the filing of a reissue application.

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of person signing (given name, family name)	Full name of person signing (given name, family name)
Signature ppa.  Prof. Dr. Gerd Schnorrenberg	Signature ppa.  Dr. Rolf Fleischer
Date: 14 April 1999	Date: 14 April 1999
Residence: Hugo-Häring-Straße 78/2 D-88400 Biberach, Germany	Residence: Alpenstraße 29 D-88400 Biberach, Germany
Citizenship: german	Citizenship: german
Post Office Address: see above	Post Office Address: see above



REISSUE APPLICATION DECLARATION BY THE INVENTOR **Docket Number (Optional)**
5/891-1-C1 Reissue

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,216,167, granted June 1, 1993, and for which a reissue patent is sought on the invention entitled:

PHENYLACETIC ACID BENZYLAMIDES

the specification of which

- is attached hereto

was filed on October 7, 1997, as reissue application number 08/946,602 and was or will be amended on _____ (if applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability is defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- by reason of a defective specification or drawing.
 - by reason of the patentee claiming more or less than he had the right to claim in the patent.
 - by reason of other errors.

At least one error upon which reissue is based is described as follows:

The terminal disclaimer filed on August 6, 1992, in connection with U.S. Serial No. 07/495,820, the application from which U.S. Patent No. 5,216,167 issued, disclaimed only the term of any patent issuing from that application subsequent to October 10, 2006, *i.e.*, the expiration date of U.S. Patent No. 4,873,080. However, both U.S. Patent Nos. 4,873,080 and 4,863,724 are owned by assignee Dr. Karl Thomae GmbH, and both disclose and claim subject matter relating to repaglinide. Thus, in an abundance of caution, the assignee believes that U.S. Patent No. 5,216,167 should be terminally disclaimed over both U.S. Patent Nos. 4,873,080 and 4,863,724. Accordingly, a terminal disclaimer which disclaims the term of U.S. Patent No. 5,216,167 subsequent to September 5, 2006, *i.e.*, the expiration date of U.S. Patent No. 4,863,724, is submitted herewith.

(Page 1 of 3)

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Office, Patent and Trademark Office, Washington, DC 20231.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)
5/891-1-C1 Reissue

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Name(s)	Registration Number
Dr. Robert P. Raymond	25,089
Mary-Ellen M. Devlin	27,928
Alan R. Stempel	28,991
Anthony P. Bottino	41,629

Correspondence Address: Direct all communications about the application to:

Customer Number

type customer no. here

*Place Customer Number Bar
Code Label here*

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Boehringer Ingelheim Corporation Attn: Dr. R.P. Raymond				
Address	900 Ridgebury Road, P.O. Box 368				
Address					
City	Ridgefield	State	CT	ZIP	06877-0368
Country	US				
Telephone	203-798-4866	FAX	203-791-6183		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Wolfgang GRELL

Inventor's signature

Residence: Geschwister-Scholl-Straße 18
D-88400 Biberach, Germany

Date

4/21/1999

Post Office Address: see above

Citizenship: german

Full name of second or joint inventor (given name, family name)

Rudolf HURNAUS

Inventor's signature

Residence: Silcherstraße 19
D-88400 Biberach, Germany

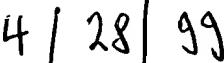
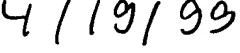
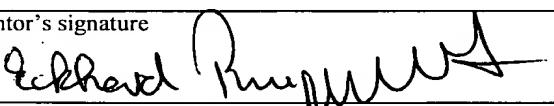
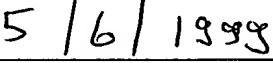
Date

4-16-1999

Post Office Address: see above

Citizenship: german

Additional joint inventors are named on separately numbered sheets attached hereto.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 3)		Docket Number (Optional) 5/891-1-C1 Reissue
Full name of third or joint inventor (given name, family name) Gerhart GRISS (By Elizabeth GRISS, Executrix)		
Inventor's signature 		
Residence: Schopperweg 1 D-88400 Biberach, Germany	Date 	
Post Office Address: see above	Citizenship: german	
Full name of sole or first inventor (given name, family name) Robert SAUTER		
Inventor's signature 	Date 	
Residence: Albert-Schweitzer-Weg 9 D-88471 Laupheim, Germany	Citizenship: german	
Post Office Address: see above		
Full name of second or joint inventor (given name, family name) Manfred REIFFEN		
Inventor's signature 	Date 	
Residence: Matthias-Erzberger-Straße 40 D-88400 Biberach, Germany	Citizenship: german	
Post Office Address: see above		
Full name of third or joint inventor (given name, family name) Eckhard RUPPRECHT		
Inventor's signature 	Date 	
Residence: In den Weinbergen 9 A-2353 Guntramsdorf, Austria	Citizenship: german	
Post Office Address: see above		
<input checked="" type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.		